

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

FILED

BENYEHUDAH WHITFIELD, )

Plaintiff, )

APR 24 2008

) No. 08 C 50028 MICHAEL W. DOBBINS  
) CLERK, U.S. DISTRICT COURT

v. )

DENISE A. MCCAFFREY, et al., )

Defendants. )

MOTION TO RECONSIDER AND VACATE ORDER GRANTING  
PLAINTIFF'S PREVIOUS MOTION FOR  
VOLUNTARY DISMISSAL

NOW COMES the plaintiff, BENYEHUDAH WHITFIELD, pro se,  
and in support states the following:

1. On March 30, 2008, plaintiff submitted to the Court a  
"... Motion For Voluntary Dismissal and to Withdraw IFP Application //  
With leave to refile at a later date." *Id.*, p. 4 (italics not in  
original). The reason for moving for voluntary dismissal was his  
inability to pursue this matter due to the officials of Pontiac  
Correctional Center ("Pontiac") refusal to provide him with the

Scribing materials needed to properly pursue this matter. *Id.*, p. 1-2.

2. On April 17, 2008, plaintiff submitted to the Court a "... Motion to Strike" his motion for voluntary dismissal.<sup>1</sup> He explained that he would use the reverse side(s) of paper previously used for other matters to draft documents he needs to file with the Court regarding this matter. And, if his Complaint wound up being dismissed as the result of his inability to properly pursue this matter (due to inadequate scribing material) he would simply file a complaint against the officials of Pontiac. *Id.*, p. 2.

3. On April 18, 2008, 1 day after filing his motion to strike, plaintiff received this Court's April 14, 2008 Order denying the request to withdraw his IFP application, but granting the request ~~to~~ for voluntary dismissal.

4. Had the plaintiff had the paper to move to strike his motion for voluntary dismissal in a more expedient manner he would have done so.

5. Because the Court has denied plaintiff's motion/request

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<sup>1</sup> Plaintiff included with his Motion to Strike his Notice of Compliance to the Court's March 18, 2008 Order (to show cause why his Complaint should not be dismissed under *res judicata*).

to withdraw his application to proceed IFP, yet granted the motion for voluntary dismissal, he is being prejudiced, since he will have to pay another filing fee for refiling his complaint (after this latest dismissal).

6. Plaintiff sincerely appologizes for any inconveniences which might result from the Court's reconsideration to vacate its order and assures the Court that his motives are in no way intended to frustrate the judicial process.

7. Because plaintiff had no other paper ~~to~~ on which he could draft this document, he is using (again) previously used paper (on the reverse side(s)) to draft this document. However, he includes a duplicate copy and will sign both the original and the duplicate copy.

WHEREFORE, it is prayed the Court will vacate its April 14, 2008 Order and reinstate his Complaint.

DATE: April 21, 2008

Respectfully Submitted  
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THIS CORRESPONDENCE  
IS FROM AN INMATE OF  
THE ILLINOIS DEPARTMENT  
OF CORRECTIONS



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